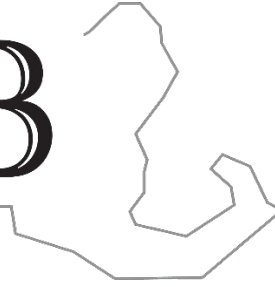


MAHIB

Assisting Massachusetts Boards of Health through training, technical assistance and legal education



MASSACHUSETTS ASSOCIATION OF HEALTH BOARDS LEGISLATION ALERT

Amendment to State Law—Mass. Gen. Laws ch. 111, § 31

Mass. Gen. Laws ch. 111, s. 31 grants local boards of health (LBOH) the legal authority to promulgate reasonable health regulations. The recently signed amendment to G.L. c. 111, s. 31 requires LBOH to solicit comments on proposed agricultural regulations from an established municipal agricultural commission (AgCom) if one exists in the municipality. The amendment requires that a local board of health request AgCom commentary and outlines the process of obtaining said commentary.

Under the newly amended state law, a copy of any proposal regulation must be provided to the AgCom when the regulation impacts any of the following agricultural topics:¹

- Farmers' markets;²
- Farms;³
- Non-commercial keeping of poultry, livestock, and bees; and
- Non-commercial production of fruit, vegetables, and horticultural plants.

The AgCom shall have 45 days to review the proposed regulation, during which the AgCom may hold public meetings and/or provide written comments and recommendations to the LBOH. The AgCom may waive the 45-day review period upon a majority vote of its members.

¹ The AgCom must be established pursuant to Mass. Gen. Laws ch. 40, s. 8L. As of May 2017, there were 172 AgComs within the Commonwealth. MASSACHUSETTS ASSOCIATION OF AGRICULTURAL COMMISSIONS, About AgComs: MA AgComs, [available at https://www.massagcom.org/AgComs.php](https://www.massagcom.org/AgComs.php) (Last visited Jan. 10, 2021).

² As defined in 105 CMR 590.

³ As defined in MASS. GEN. LAWS ch. 128, § 1A.

The operation of farmers markets and the health of local farms, the keeping of animals and bees, and the harvesting of non-commercial agriculture are complicated issues that affect many farmers and residents. As we have seen over the past year, there are times when the non-farmer sourced food supply (i.e., supermarkets) can incur challenges. In the face of food-supply challenges, these agricultural initiatives can provide a municipality with a resilient local solution. Requiring increased participation of AgComs in a LBOH's regulatory process will involve those with subject-matter expertise to help assist the LBOH. This amendment can fortify partnerships within municipalities to effectively protect the public health and promote farming and other agricultural initiatives.

In the case of an emergency, the LBOH does not have to refer the matter to the AgCom.

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